

UNITED STATES DEPARTMENT OF AGRICULTURE 25 SEP 10 PM 2:06

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) Docket No. 15-0176
)
Monroe H. Hochstetler)
)
Respondent) Complaint

There is reason to believe that the respondent named herein violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) ("Act"), and the regulations and standards (9 C.F.R. § 1.1 et seq.) (regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") pursuant to the rules of practice applicable to this proceeding (7 C.F.R. §§ 1.130-.151) (Rules of Practice) issues this complaint alleging the following:

I

A. Monroe H. Hochstetler is an individual hereinafter referred to as the respondent whose business address is RR 1, Box 118, Princeton, Missouri 64673.

B. The respondent, at all times material hereto, was operating as a dealer as that term is defined in the Act and the regulations. The respondent's dealer license number was 43-A-5312. The respondent failed to renew his dealer license and it

was terminated by APHIS on April 16, 2012. The respondent while he was licensed received a copy of the regulations and the standards issued pursuant to the Act and agreed in writing to comply with them.

II

On October 14, 2010 APHIS inspected respondent's premises and found that the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40(b) of the regulations (9 C.F.R. § 2.40(b)).

III

On January 25, 2011, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

(1) Outdoor facilities for dogs failed to provide the dogs with protection from direct rays of the sun and the direct effect of wind, rain or snow (9 C.F.R. § 3.4(b)(2));

IV

On December 8, 2011 APHIS inspected respondent's premises and found that the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of

a doctor of veterinary medicine, in willful violation of section 2.40(b) of the regulations (9 C.F.R. § 2.40(b)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

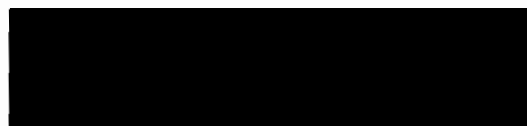
(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Permanently revoking the respondent's license under the Act.

Done at Washington, D.C.

this 9th day of Sept, 2015



Administrator
Animal and Plant Health
Inspection Service

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